IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

CWP No.3099 of 2007
Date of Decision: 1.3.2007

Saroop Singh

Petitioner

versus

Presiding Officer, Labour Court, Amritsar and others

Respondents

CORAM:- **HON'BLE MR. JUSTICE JASBIR SINGH**

HON'BLE MR. JUSTICE VINOD K. SHARMA

Present: Ms.Deepika Verma, Advocate for the petitioner

Jasbir Singh, J. (Oral)

By filing this writ petition, the petitioner has laid challenge to the award dated 12.2.2004, passed by the Labour Court, Amritsar, vide which, punishment of dismissal of the petitioner from service, was set aside and rather a lenient view was taken by ordering stoppage of five annual increments of the petitioner, with cumulative effect.

It is apparent from the records that the petitioner was issued a charge sheet on the ground that he has refused to do the work of welding of a frame, for which, he was employed. It was further allegation against him that he refused to accept the memo, which was sent to him. It was also alleged against him that he has refused to receive many letters, issued to him, vide which, he was asked to improve his conduct. Before the Labour Court below, it was averment of the petitioner that proper opportunity of hearing was not given to him by the enquiry officer. The said plea of the petitioner was found to be wrong. It has come on record that the petitioner, despite issuance of charge sheet, has failed to file reply to the same. Thereafter, he appeared as his own witness. He was cross-examined,

wherein he has admitted that after receipt of the charge sheet, he has not filed any reply to the same. Findings given in paragraph Nos.9 to 12, clearly indicate that the petitioner actively participated in enquiry proceedings. Proper opportunity was given and when he failed to rebut the allegations levelled against him, order of dismissal from service, was passed. We feel that the Labour Court has given him a lenient treatment by exercising powers under Section 11-A of the Industrial Disputes Act, 1947. In view of proved misconduct by the petitioner, we feel that the Labour Court was justified in not granting back wages to him. It was a case of dismissal. However, by taking note of length of service of the petitioner, he was given a lesser punishment. No case is made out for interference.

Dismissed.

(Jasbir Singh)
Judge

March 01, 2007 **(Vinod K.Sharma)**
gk **Judge**